

**To:** jackerman@usgs.gov[]  
**Cc:** []  
**Bcc:** []  
**From:** CN=Erin Foresman/OU=R9/O=USEPA/C=US  
**Sent:** Fri 10/28/2011 7:21:24 PM  
**Subject:** Re: Fw: BDCP - toxins appendix  
<http://profile.usgs.gov/jackerman>  
<http://www.werc.usgs.gov/ackerman>  
[http://archive.deltacouncil.ca.gov/delta\\_science\\_program/publications/sci\\_news\\_0711\\_nrc.html](http://archive.deltacouncil.ca.gov/delta_science_program/publications/sci_news_0711_nrc.html)  
<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>  
<http://profile.usgs.gov/jackerman>  
<http://www.werc.usgs.gov/ackerman>  
[Foresman.Erin@epa.gov](mailto:Foresman.Erin@epa.gov)  
[mkshouse@usgs.gov](mailto:mkshouse@usgs.gov)

Hi Josh,  
Thanks for the reference. I've been talking with CV RWQCB but not SF Bay -- good advice ;).

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Erin Foresman  
Environmental Scientist & Policy Coordinator,  
US EPA Region 9 C/O Army Corps of Engineers  
650 Capitol Mall Suite 5-200, Sacramento, CA 95814  
Phone: (916) 557 5253, Fax: (916) 930 9506

<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

-----Josh T Ackerman <jackerman@usgs.gov> wrote: -----

To: Erin Foresman/R9/USEPA/US@EPA  
From: Josh T Ackerman <jackerman@usgs.gov>  
Date: 10/27/2011 01:38PM  
Subject: Re: Fw: BDCP - toxins appendix

Hi Erin,  
Thanks for the background info. The least tern mercury target is 0.5 ppm FWW, established by the San Francisco Bay Water Board for TMDL implementation. They have been working on the TMDLs recently, so there might be an update. I would suggest getting the water boards involved, if they are not already, since they have already spent considerable time developing similar documents and establishing preliminary TMDLs for toxins. Also, I believe they have a mammal target as well, for river otters.  
Josh

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Josh Ackerman, PhD  
Research Wildlife Biologist  
U.S. Geological Survey  
Western Ecological Research Center  
Davis Field Station  
One Shields Avenue, The Barn  
University of California  
Davis, CA 95616

phone: (530) 752-0485  
fax: (530) 752-9680

email: jackerman@usgs.gov  
http://profile.usgs.gov/jackerman  
http://www.werc.usgs.gov/ackerman  
\*\*\*\*\*

From: Foresman.Erin@epamail.epa.gov  
To: jackerman@usgs.gov  
Cc: ceagles-smith@usgs.gov, john\_takekawa@usgs.gov, keith\_miles@usgs.gov, mkshouse@usgs.gov  
Date: 10/27/2011 12:18 PM  
Subject: Re: Fw: BDCP - toxins appendix

Hi Josh and Everyone,

Josh, thank you for your email and thoughts on the BDCP toxins appendix. If you have a quick reference for mercury concentration biological criteria in least terns eggs, could you send that to me?

Also thanks for pointing out that it isn't clear what the appendix seeks to accomplish. I'll try to provide some context and hopefully that will help a little bit. Apologies in advance if I cover too much preliminary info that you already know.

The BDCP is a group of projects (including the "Delta Conveyance" previously known as peripheral canal) that are collectively seeking take of threatened and endangered species under Section 10 of ESA and the state's Natural Communities Conservation Planning Act. ESA Section 10 requires the production of a habitat conservation plan (HCP) and DWR is seeking 50 year permits. USFWS and NMFS will be asked to adopt the HCP and write these take permits so they have to comply with NEPA by estimating and disclosing impacts of their permit in an Environmental Impact Statement (EIS). USFWS, NMFS, and BOR (federal lead agencies) are preparing a joint EIS/EIR document with DWR (compliance with CEQA) and it will be used as the information base for ESA and NCCPA permit decisions. The EIS/EIR is considering restoration actions at a programmatic level of information and attempting to evaluate the Delta Conveyance and some other projects at the project level, preparing to build them.

The "toxins appendix" is an appendix to Chapter 5, "The Effects Analysis," in the EIS/EIR which is focused on evaluating the impact of BDCP (new conveyance, pumps, operations, restoration, and other projects) on T & E species. The Toxins Appendix along with other 'technical' appendices is being provided to federal lead (USFWS, BOR, NMFS) and cooperating agencies (EPA & Corps) for early review so that we can provide feedback to DWR and their consultant ICF International. The idea is that this will give DWR and ICF time to improve it prior to the planned release of the Draft EIS in May 2012.

A draft of the "Effects Analysis" prepared by SAIC received a very poor and public review by the National Research Council a few months ago([http://archive.deltacouncil.ca.gov/delta\\_science\\_program/publications/sci\\_news\\_0711\\_nrc.html](http://archive.deltacouncil.ca.gov/delta_science_program/publications/sci_news_0711_nrc.html)). ICF International was hired by DWR to re-do and improve Chapter 5 The Effects Analysis of the EIS/EIR. Presumably the toxins appendix is part of that effort, however if you've read it you'll know it retains an amazing potential for improvement.

I'll send you all my consolidated comments tomorrow afternoon so that you can see them. Let me know if you are not interested and I won't clog you're inbox w/ more email. The turn around time on these administrative drafts is

v. short and piecemeal. EPA has to provide our comments to DWR next Tuesday and we have not seen Chapter 5 Effects Analysis, just the appendices.  
I've received a lot of useful input from USGS. Thank you all for responding so quickly and helping us with this. I really appreciate it!  
Erin

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Erin Foresman  
Environmental Scientist & Policy Coordinator,  
US EPA Region 9 C/O Army Corps of Engineers  
650 Capitol Mall Suite 5-200, Sacramento, CA 95814  
Phone: (916) 557 5253, Fax: (916) 930 9506

<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

-----Josh T Ackerman <jackerman@usgs.gov> wrote: -----  
To: Michelle K Shouse <mkshouse@usgs.gov>, Erin Foresman/R9/USEPA/US@EPA  
From: Josh T Ackerman <jackerman@usgs.gov>  
Date: 10/27/2011 10:07AM  
Cc: "A. Keith Miles" <keith\_miles@usgs.gov>, Collin A Eagles-Smith <ceagles-smith@usgs.gov>, John Y Takekawa <john\_takekawa@usgs.gov>  
Subject: Re: Fw: BDCP - toxins appendix

Hi Erin and Michelle,  
I took a quick look at this, but wasn't completely sure what this is really for. If this is the toxins conservation plan for all species in the Bay-Delta, than it seems to be lacking in several areas. Primarily, there is absolutely no mention of potential bioaccumulation and effects to wildlife in the Delta, only fish. Certainly an assessment of wildlife need to be added, as their are already target criterion values for the Bay-Delta for several wildlife species and tissues, such as mercury concentrations in bird eggs designed to protect endangered least terns.  
Thanks,  
Josh

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Josh Ackerman, PhD  
Research Wildlife Biologist  
U.S. Geological Survey  
Western Ecological Research Center  
Davis Field Station  
One Shields Avenue, The Barn  
University of California  
Davis, CA 95616

phone: (530) 752-0485  
fax: (530) 752-9680  
email: jackerman@usgs.gov  
<http://profile.usgs.gov/jackerman>  
<http://www.werc.usgs.gov/ackerman>  
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From: Michelle K Shouse/DO/USGS/DOI  
To: Josh T Ackerman/BRD/USGS/DOI@USGS, Collin A Eagles-Smith/BRD/USGS/DOI@USGS, John Y Takekawa/BRD/USGS/DOI@USGS  
Cc: A. Keith Miles/BRD/USGS/DOI@USGS  
Date: 10/26/2011 02:17 PM  
Subject: Fw: BDCP - toxins appendix

Hi everyone,

I am writing to you to request your expert review of the BDCP Effects Analysis - Toxin Appendix at the request of EPA. Attached is said document. Erin Foresman is preparing EPA's response and would very much appreciate our thoughts. If you do have time to review the document, and you have some questions/comments/ideas, please communicate directly with Erin and please cc me on your message. The original message we received is included below. You can reach Erin at [Foresman.Erin@epa.gov](mailto:Foresman.Erin@epa.gov)

Please send your thoughts to Erin by Friday, Oct. 28th, at the latest and let me know if you have any questions.

Thank you,  
Michelle

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Michelle K. Shouse, Biologist  
USGS - Delta Science  
Pacific Southwest Area  
Sacramento, Ca  
916-278-9560 office  
916-261-2958 mobile  
[mkshouse@usgs.gov](mailto:mkshouse@usgs.gov)

-----Forwarded by Michelle K Shouse/DO/USGS/DOI on 10/26/2011 01:56PM -----

To: Eric Reichard <[egreich@usgs.gov](mailto:egreich@usgs.gov)>, [rfujii@usgs.gov](mailto:rfujii@usgs.gov), "Shouse, Michelle K" <[mkshouse@usgs.gov](mailto:mkshouse@usgs.gov)>  
From: [Schwinn.Karen@epamail.epa.gov](mailto:Schwinn.Karen@epamail.epa.gov)  
Date: 10/21/2011 03:48PM  
cc: [Foresman.Erin@epamail.epa.gov](mailto:Foresman.Erin@epamail.epa.gov)  
Subject: Fw: BDCP - toxins appendix

Eric, Roger, and Michelle -

We just got this document (attached) from DOI. Its an appendix to the BDCP Effects Analysis prepared by the new consultant, ICF. This one is supposed to evaluate the contaminant effects on T&E species from the proposed BDCP actions (considering only the most extreme conveyance option, plus some range of habitat restoration). The constituents discussed in the document include selenium, mercury, ammonia, copper and pesticides.

From my non-scientific read, it seems pretty darn superficial - it basically says there will be less dilution but likely won't matter to fish. We are writing comments, pointing out some obvious things and questions we need addressed in the NEPA and/or 404 process. What's more difficult is advising them on how they might approach a deeper analysis. Do your folks have any time to look at this? Federico wants comments by noon on November 1 - though after that there may be an opportunity to interact with ICF directly. I checked with David Nawi on USGS

involvement and he welcomes it, though I guess hasn't sought it in this particular case, given your resource constraints.

Erin Foresman, on our staff (located in Sacramento) is working on our comments. Feel free to contact have your folks contact her directly if they are able to assist. Thanks! - Karen

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KAREN SCHWINN  
Associate Director  
Water Division  
U.S. EPA Region 9  
75 Hawthorne Street (Wtr-1)  
San Francisco, CA 94105  
415/972-3472  
415/297-5509 (mobile)  
415/947-3537 (fax)  
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[attachment "App D\_Toxins\_101411.pdf" deleted by Josh T Ackerman/BRD/USGS/DOI]